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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,837	01/12/2004	Michael John Burkhart	AUS920030965US1	9839

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INTERNATIONAL CORP (BLF)
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EXAMINER

KUMAR, ANIL N

ART UNIT	PAPER NUMBER
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2109

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/755,837

Applicant(s)

BURKHART ET AL.

Examiner

Anil N. Kumar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/12/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12 January 2004.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the original filing of January 12th, 2004. Claims (1-36) are pending and have been considered below.

Double Patenting

2. Applicant is advised that should claims 5, 11, 17, 23, 29 and 35 be found allowable, claims 6, 12, 18, 24, 30 and 36 respectively, will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-36 are rejected under 35 U.S.C. 102(b) as being unpatentable over Lortz (US 6505243 B1).

Claims 1, 7, 13, 19, 25 and 31: Lortz discloses a system, method and products (an article of manufacture) for displaying a help resource associated with a device on a remote display apparatus (services gateway), comprising (i.e. computer 138 Fig 2);

- receiving, in a display apparatus (services gateway), a plurality of help messages created in a plurality of devices; (i.e. ...notification is received for the network-attachable device... col 1 lines 59-61)
- prioritizing one of the plurality of help messages ; (i.e. ...user setting preferences... col 5 lines 28-30)
- retrieving, in dependence upon the prioritized help message, a help resource ; (i.e. a device 102 Fig. 1 ...retrieves 174 ...data for the user... Fig.

3 ~~X~~ col 5 lines 19-21)

- and displaying, with the display apparatus, the help resource (i.e. ...displaying retrieved 174 install data to user interface... col 5 lines 38-39).

Claims 2-4, 8-10, 14-16, 20-22, 26-28 and 32-34: Lortz discloses a system, method and products for displaying a help resource associated with a device on another remote device on a network, as in claims 1, 7, 13, 19, 25 and 31 above, respectively. Furthermore, Lortz discloses selecting a help message in dependence upon a position of the help message, device ID or importance rating in the help message (i.e. ... a form, containing messages, can be displayed

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providing the prompt... to select a message based on any criteria contained in the message; col 6 lines 11-13)

Claims 5-6, 11-12, 17-18, 23-24, 29-30, 35-36: Lortz discloses a system, method and products for displaying a help resource associated with a device on another remote device on a network, as in claims 1, 7, 13, 19, 25 and 31 above, respectively. Furthermore, Lortz discloses notifying at least one of the plurality of devices that the display apparatus is busy (i.e. ... notification event, busy message, is transmitted 172 to devices on the network... col 4/5 lines 67-2)

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Cruichshank et al. (US 6888927 B1) discloses a graphical message notification
- b. Drif et al. (US 2003/0048288 A1) discloses a assistance request system
- c. Dudzik et al. (US 5,581,684) discloses an application-external help system for a windowing user interface

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anil N. Kumar whose telephone number is (571) 270-1693. The examiner can normally be reached on Mon-Fri EST (Alternate Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Myhre can be reached on (571) 272-6722. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ANK

1/18/2007



James Myhre

Supervisory Primary Examiner